

**THE VIRGINIA BOARD FOR
WATERWORKS AND WASTEWATER WORKS OPERATORS AND ONSITE
SEWAGE SYSTEM OPERATORS**

MINUTES

The Virginia Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Operators met on March 24, 2009, at Department of Professional and Occupational Regulation, 9960 Mayland Drive, Richmond, Virginia, with the following members present:

Frank L. Davis, Jr.
Kornell Davis, Jr.,
Marcia J. Degen
Wesley Kleene
Eileen M. Leininger
E. Brooke Philpy
Ronald R. Thomas
John Vanderland
Harold W. Walker

Board members, Charles B. Bott Jr., and Douglas J. Crooks were not present at the meeting.

Others who attended the meeting included:

Alex Blackburn, Blackburn Construction Services, LLC
Jim Bowles, VDH – OEHS
Mike Campbell, VDH Henrico
Larry Fellenz, Sr., Action Tank and Drain Services
Sandra Gentry, Gentry Septic Tank Service
Dominick Gibino, Association of Onsite Sewage System Contractors
Peter Kesecker, Soil Services - AOSE Service Provider
Curtis Moore, VOWRA
Amy Pemberton, VDH Peninsula H.D.
Joel Pinnex
Ryan Reed, Virginia Association of Professional Soil Scientists

Staff present for all or part of the meeting were:

Jay W. DeBoer, Director
Mark N. Courtney, Deputy Director of Licensing and Regulation
David Dick, Executive Director
Justin Garofalo, Board Administrator
Michelle Gowen, Administrative Assistant
Amy Goobic, Administrative Assistant
Victoria Traylor, Legal Analyst

Elizabeth Peay was present from the Office of the Attorney General.

Mr. Davis, finding a quorum of the Board present, called the meeting to order at 9:05 AM.

Call to Order

Ms. Degen moved to approve the agenda. Ms. Leininger seconded the motion which was unanimously approved by members: F. Davis, Degen, Kleene, Leininger, Thomas, and Walker. Mr. K. Davis, Mr. Vanderland and Mr. Philpy were present, but did not vote since by statute they are ineligible to vote on matters unrelated to Onsite Sewage System Professionals until July 1, 2009.

Approval of Agenda

Ms. Leininger moved to approve the following minutes as amended:

Approval of Minutes

December 4, 2008, Board Meeting;
December 11, 2008, IFF Conference Meeting; and
March 23, 2009, Education Committee Meeting.

Mr. Walker seconded the motion which was unanimously approved by members: F. Davis, Degen, Kleene, Leininger, Thomas, and Walker. Mr. K. Davis, Mr. Vanderland and Mr. Philpy were present, but did not vote since by statute they are ineligible to vote on matters unrelated to Onsite Sewage System Professionals until July 1, 2009.

Sandra Gentry addressed the Board regarding the proposed OSSP regulations and the Board's duties.

Public Comment Period

Dominic Gibino addressed the Board in regards to the proposed OSSP regulations.

Ryan Reed addressed the Board regarding the proposed OSSP regulations and the public comments made on the regulations.

In the matter of **File Number 2008-03463, Isaac Jacob Conley, Jr.**, the Board members reviewed the Consent Order as agreed to by Mr. Conley. Mr. Kleene moved to accept the Consent Order which cites a violation of 18 VAC 160-20-140.7 of the Board's regulations. For this violation Mr. Conley agreed to Board costs in the amount of \$150.00 as well as the revocation of his license. Ms. Degen seconded the motion which was approved by members: F. Davis, Degen, Kleene, Leininger, Thomas, and Walker. Mr. K. Davis, Mr. Vanderland and Mr. Philpy were present, but did not vote since by statute they are ineligible to vote on matters unrelated to Onsite Sewage System Professionals until July 1, 2009.

File Number 2008-03463 – Isaac Jacob Conley, Jr.

In the matter of **File Number 2009-01595, Joseph Belk**, the Board members reviewed the record which consisted of the application

File Number 2009-01595 – Joseph

file, transcript and exhibits from the Informal Fact-Finding Conference, and the Presiding Officer's Summary and Recommendation. Mr. Belk was not present to address the Board. Ms. Degen moved to accept the recommendation of the Presiding Officer and approve Mr. Belk's Class IV Wastewater Works Operator license application. Mr. Walker seconded the motion which was approved by members: F. Davis, Degen, Kleene, Leininger, Thomas, and Walker. Mr. K. Davis, Mr. Vanderland and Mr. Philpy were present, but did not vote since by statute they are ineligible to vote on matters unrelated to Onsite Sewage System Professionals until July 1, 2009.

Belk

Ms. Leininger left the meeting at 10:45 a.m.

Departure of Ms. Leininger

The Board members were provided with the summary of public comments received on the proposed OSSP regulations as well as the draft Board response for review. The Board members reviewed the summary of, and draft response to, the public comments. After discussion, Mr. Walker moved to adopt the response to the public comments as amended. Ms. Degen seconded the motion which was approved by members: F. Davis, K. Davis, Degen, Kleene, Leininger, Philpy, Thomas, Vanderland, and Walker.

**Review Public
Comment on
Proposed OSSP
Regulations and
Adopt Draft
Board Response**

The Board members took a break from 10:50 a.m. to 11:10 a.m.

Break

The Board discussed the issue of whether Section 54.1-2302 of the Code of Virginia required every individual working on an onsite sewage system installation to have an onsite sewage system installer license.

**Adopt Final OSSP
Regulations**

It was observed that many individuals working on an installation are using skills that are not unique to onsite sewage system installation. A backhoe operator would be using the same skills on an onsite sewage system installation as he would be using to dig footings, for example.

The Board requested that staff research the matter and report its findings at the next Board meeting on June 24, 2009.

The Board members reviewed the draft final regulations as prepared by staff. After review and discussion, Mr. K. Davis moved to adopt the final regulations as amended. Mr. K. Davis further moved to authorize staff, in conjunction with the Chair, to make any minor changes as necessary, on behalf of the Board, so that the regulations can be approved. Mr. Philpy seconded the motion which was approved by members: F. Davis, K. Davis, Degen, Kleene,

Leininger, Philpy, Thomas, Vanderland, and Walker.

The Board members were provided with a memo from Sharon Sweet, Director of Examinations at DPOR, for review. After review and discussion, the Board agreed by consensus that the Advanced Treatment content area falls under the alternative examination only.

**Discussion of
OSSP
Examination
Development**

The Board members took a break for lunch from 12:14 p.m. to 1:00 p.m.

Lunch

Mr. Dick updated the Board members on the general regulation amendments.

**Update on
General Reg
Review**

Mr. Dick informed the Board members they need to make any changes deemed necessary to the CPE audit policy at this time. After discussion, Ms. Degen moved to continue with randomly auditing 5% of wastewater operator licensees. Mr. Thomas seconded the motion which was approved by members: F. Davis, Degen, Kleene, Leininger, Thomas, and Walker. Mr. K. Davis, Mr. Vanderland and Mr. Philpy were present, but did not vote since by statute they are ineligible to vote on matters unrelated to Onsite Sewage System Professionals until July 1, 2009.

**Discussion of CPE
Audit**

Mr. Garofalo provided the Board with a report from the Education Committee meeting held on March 23, 2009. After discussion, Mr. Kleene moved to accept the committee's recommendations on the provider applications. Mr. Walker seconded the motion which was approved by members: F. Davis, Degen, Kleene, Leininger, Thomas, and Walker. Mr. K. Davis, Mr. Vanderland and Mr. Philpy were present, but did not vote since by statute they are ineligible to vote on matters unrelated to Onsite Sewage System Professionals until July 1, 2009.

**Education
Committee
Meeting Report**

Future Board Meeting Dates:

**Future Meeting
Dates**

June 24, 2009

September 23, 2009

December 2, 2009

Board members completed their conflict of interest forms and travel vouchers.

**Conflict of
Interest Forms**

The Board adjourned at 1:13 p.m.

Adjournment

Frank L. Davis, Jr., Chairperson

Jay W. DeBoer, Secretary